

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHAWN DUNBAR,

Plaintiff,

v.

SACRAMENTO COUNTY MAIN JAIL,
et al.,

Defendants.

No. 2:25-cv-1326 CKD P

ORDER

Plaintiff is a proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff requests leave to proceed in forma pauperis. As plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a), his request will be granted.

When plaintiff filed his complaint, he was an inmate at the Sacramento County Jail. The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

The court has reviewed plaintiff’s complaint and for screening purposes finds that plaintiff may proceed on a claim against defendant Deputy Luca in his individual capacity arising under

1 the Fourteenth Amendment. Plaintiff has two options: (1) proceed on the claim identified above;
2 or (2) seek leave to file an amended complaint in an attempt to cure deficiencies with respect to
3 other claims.

4 In deciding whether to file an amended complaint, plaintiff should consider that
5 Sacramento County cannot be held vicariously liable under § 1983 for the actions of their
6 employees. Monell v. Dep't of Social Services, 436 U.S. 585 at 691, 694 (1978). "Instead, it is
7 when execution of a government's policy or custom, whether made by its lawmakers or by those
8 whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the
9 government as an entity is responsible under § 1983." Id. at 694. The allegations in plaintiff's
10 complaint do not suggest he was harmed by a Sacramento County policy, custom, or practice, but
11 simply the individual actions of defendant Luca.

12 Finally, plaintiff is informed that the court cannot refer to a prior pleading in order to
13 make plaintiff's amended complaint complete. Local Rule 220 requires that an amended
14 complaint be complete in itself without reference to any prior pleading.

15 In accordance with the above, IT IS HEREBY ORDERED that:

16 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 2) is GRANTED.

17 2. Plaintiff is granted 21 days within which to complete and return the attached form
18 notifying the court whether he wants to (1) proceed on a claim against defendant Deputy Luca in
19 his individual capacity arising under the Fourteenth Amendment and voluntarily dismiss all other
20 claims or (2) file an amended complaint in an attempt to cure the deficiencies in his complaint
21 with respect to his other claims. If plaintiff does not return the form, this action will proceed on
22 the claim described above and the court will recommend all other claims and defendants be
23 dismissed.

24 Dated: September 2, 2025

25 
26 CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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PLAINTIFF'S NOTICE OF
HOW TO PROCEED

Check **one**:

_____ Plaintiff wants to proceed on a claim against defendant Deputy Luca in his individual capacity arising under the Fourteenth Amendment and voluntarily dismiss all other claims; **OR**

_____ Plaintiff wants time to file an amended complaint.

DATED:

Plaintiff